

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	1:05-cr-264-LSC
)	
SERGIO RIOS,)	
a/k/a Nick, Jose and Sergy)	

GOVERNMENT’S MOTION FOR DOWNWARD DEPARTURE
AND CERTIFICATION OF SUBSTANTIAL ASSISTANCE
PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty under Rule 11(c)(1)(C) to an indictment charging violations of Title 21, United States Code, Sections 846 and 843(b), pursuant to a plea agreement.

2. Defendant agreed to cooperate with the Government in the instant cause and in subsequent investigations as necessary, and to waive his rights to appeal or collaterally attack the guilty plea or sentence.

3. The United States submits the defendant has cooperated with the United States and has abided by the terms of his plea agreement. The assistance provided by Defendant should be considered substantial.

4. The Government is satisfied that Defendant is entitled to be considered for a reduction of sentence under § 5K1.1 U.S.S.G. and Title 18, United States Code, Section 3553(e), and moves this Court to reduce the applicable offense level of Defendant by four levels.

Respectfully submitted, this the 26th day of June, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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ASB-1613-N77A

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1:05-cr-264-MEF

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Derek Yarbrough, Esquire.

Respectfully submitted,

s/A. Clark Morris
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